

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION No. 11369 OF 2015

ORDER:

The petitioners herein have drawn inspiration from an interlocutory order passed by this Court in another Writ Petition No. 37368 of 2014 which was passed on 05.12.2014 for coming up with this Writ Petition.

The grievance, in a nutshell, of the petitioners is that the Superintending Engineer, who is also the Member Secretary of the District Water and Sanitation Committee, Rural Water Supply Department of Srikakulam, has taken out a notification on 27.03.2015 calling upon the eligible candidates for recruitment, initially on a contract basis, for a period of 11 months, as Mandal Coordinates.

According to the petitioners, they possess the necessary academic qualifications, but however, the notification issued by the Superintending Engineer prescribed the age limit as 25 to 35 years and for Ex-servicemen, the upper age is fixed as 45 years. All the petitioners are beyond the age of 37 years, excepting the 5th petitioner whose age as per the pleadings is only 29 years. When the notification declared the age required as 25 to 35 years, one wonders why the 5th petitioner has joined the other petitioners.

Be that as it may, the petitioners urge that the State Government, in its General Administration Department, has taken a policy decision and announced it through their G.O.Ms.No. 295, dated 23.09.2014, raising the upper age limit for direct recruitment by six years i.e. from 34 to 40 years. In spite of this notification, dated 23.09.2014, the Superintending Engineer has prescribed a far lesser age of 25 to 35 years. Hence, this Writ Petition.

What should be the upper age limit that should be prescribed for direct recruitment and as to how much of concession in that upper age limit should be accorded, is a policy choice. In a judicial review exercise, the High Court cannot prescribe the upper age limit for recruitment process. Each recruitment is specific to the posts notified. The peculiar requirements of physical fitness and agility may vary from post to post. Hence, it is always the prerogative of the employer to prescribe an appropriate age limit for direct recruitment. If the employer considers that recruiting

persons with advanced age will not be ideally suited for discharge of functions, upon recruitment, it is open to him to prescribe the appropriate age limit. So long as such age limit does not go less than 18 years, which is prohibited, the Court cannot interfere with any such exercise of discretion. After all, the Courts do not run the public administration and the choice of the requirements of public service and the criteria for selection thereto must be left to the discretion of the employer.

I therefore, leave it to the Superintending Engineer to give a fresh look at it and in case, he is convinced that persons with upper age limit beyond 35 years can also be considered for direct recruitment, he may suitably notify an amendment or corrigendum to the notification already published by it on 27.03. 2015, so that all persons, who may have refrained themselves from applying, going by the notified age limit earlier, can also apply once again.

With this order, the Writ Petition stands disposed of. No costs.

Consequently, the miscellaneous applications, if any shall also stand disposed of.

NOOTY RAMAMOHANA RAO, J

20th April 2015

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